

DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, CA 95814

October 18, 2002

ALL-COUNTY INFORMATION NOTICE NO. I-77-02

TO: ALL COUNTY WELFARE DIRECTORS
ALL IHSS PROGRAM MANAGERS

Reason For This Transmittal

- ☐ State Law Change
- ☐ Federal Law or Regulation Change
- ☐ Court Order or Settlement Agreement
- ☒ Clarification Requested by one or More Counties
- ☐ Initiated by CDSS

SUBJECT: CALIFORNIA'S OLMSTEAD PLANNING FORUMS

The purpose of this All-County Information Notice is to provide counties with information regarding California's Olmstead Planning Forums. The California Health and Human Services (CHHS) Agency is creating an Olmstead Plan for California, and is seeking input from consumers, providers and other interested stakeholders to identify and recommend improvements to the current system that supports community living.

The phrase "Olmstead Plan" comes from a United States Supreme Court case, *Olmstead v. L.C. by Zimring*, decided in 1999. The case involved two residents of a mental hospital in Georgia. Although the plaintiffs' doctors had determined that both women were eligible for community placement, they remained in the hospital. The plaintiffs sued, citing Title II of the Americans with Disabilities Act (ADA), which specifies that "no qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity."

In *Olmstead*, the Supreme Court ruled that the unnecessary institutionalization of persons with disabilities constitutes disability discrimination in violation of the ADA. Under this decision, states may be required to provide disabled persons with existing community-based services if treatment professionals determine that community-based care is appropriate, the affected persons do not object to such placement, and the State has the available resources to provide community-based services.

CHHS has put together an Olmstead Forum Tool Kit that has been specifically developed to assist organizations in hosting their own forums. The Agency has created a suggested agenda as well as complete scripts that can be read verbatim by the forum moderator as a means of leading the participants through the agenda. The Tool Kit contains:

- Message from CHHS Agency Secretary Grantland Johnson
- A Forum Agenda
- A List of Key Issues to Address
- Tips for Conducting Olmstead Community Forums
- Sample Press Advisory
- Suggested Moderator Script - Public Hearing Format
- Suggested Moderator Script - Roundtable Discussion Format

Additionally, the following forms are to be utilized to report information to the California Long Term Care Council:

- Olmstead Best Practices Report Form
- Report Form A - Information about your forum
- Report Form B - Information generated at your forum
- Forum Attendee Survey

The documents listed above are too lengthy to attach to this letter. However, these materials are available on the CHHS website, www.chhs.ca.gov/olmstead.html, which also includes a list of forums around the State that have already been scheduled. We hope that you and your staff find this information helpful. If you have any questions regarding this letter, please contact Rob Schladale, of the California Health and Human Services Agency, at (916) 653-2175.

Sincerely,

***Original Signed by Joseph M. Carlin
Signed on October 18, 2002***

DONNA L. MANDELSTAM
Deputy Director
Disability and Adult Programs Division